

Application No.: 10/038642

Case No.: 56995US002

**Remarks**

Claims 1-22 and 46-51 are pending. Claims 23-45 have been withdrawn from consideration and cancelled. Claims 1, 18 and 46 are amended and new claims 49-51 added.

**§ 102 Rejection of Claims 1-11 and 46-48**

Claims 1-11 and 46-48 stand rejected under 35 USC § 102(b) as being anticipated by Gajewski et al. The arguments presented by the Applicants in the paper dated June 18, 2004 were found to be unpersuasive. In addition, the Office Action states, in part:

A transparent optical sheet comprising an extruded multi-layer sheet of semi-rigid material having a major surface and a peripheral edge (Column 7, lines 15-16 and Figure 4, #26) such as polyester (Column 8, lines 26-27) is located in between the laminating sheets and glazing components (Column 5, lines 21-32) and is bonded with the bonding sheets by laying the edge of the optical sheet within the peripheral edge of the bonding sheet (Figure 2).

**Applicants' Response:**

It is respectfully submitted that Gajewski et al. do not disclose a multi-layer optical sheet 26, as this term is recited in the present claims. Figure 4 reveals that the "multi-layer sheet 26" consists of a single layer 20 of semi-rigid sheet material sandwiched between two layers 14 and 24 of thermoplastic laminating materials. The layers 14 and 24 correspond to the bonding sheets recited in the present application. Thus, the multi-layer sheet 26 does not refer to multiple layers of the semi-rigid sheet material 20. This clear interpretation of Fig. 4 is supported by the Gajewski et al. specification.

In column 7, lines 13-22, Gajewski et al. expressly discloses the use of a single interlayer 16' between first and second layers 12 and 22 of rigid transparent material, of glass or polycarbonate (see col. 5, line 32). Gajewski et al. expressly state: "... a single interlayer 16' may be comprised of an extruded multilayer sheet 26 of semi-rigid sheet material 20 sandwiched between and chemically linked to layers 14 and 24 of thermoplastic laminating materials." (see col. 7, lines 15-18). Gajewski et al. go on to state: "The laminate thus formed encapsulates the semi-rigid sheet 20 in thermoplastic material and achieves a safety laminate of similar high optical quality as enjoyed with the preferred embodiment." (col. 7, lines 28-31). This is a clear reference to the sheet 26 consisting of the single layer 20 laminated between the layers 14 and 24.

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Each of Claims 1 and 46 recites a first bonding sheet and a non-metallic multi-layer optical film. Each of Claims 4, 13, 18 and 47 also include a second bonding sheet. In comparing the present claims with Gajewski et al., the layers 14 and 24 correspond to the presently claimed bonding sheets. This leaves the single layer 20 to correspond to the presently claimed non-metallic multi-layer optical film. A single layer is not a multi-layer. Therefore, Gajewski et al. do not disclose each and every element recited in all of the pending claims. As a result, the Office Action does not present a prima facie case of anticipation against claims 1-11 and 46-48.

However, in an effort to expedite the prosecution of this case, the claims have been amended to recite "a non-metallic birefringent multi-layer optical film". Support for the term birefringent can be found on page 13, lines 11-21. Nowhere in Gajewski et al. is there disclosed such a film. Accordingly, it is submitted that the rejection of claims 1-11 and 46-48 under 35 USC § 102(b) as being anticipated by Gajewski et al. (U.S. Patent No. 5,208,080) has been overcome and should be withdrawn.

#### **§ 103 Rejection of Claims 12-22s**

Claims 12-22 stand rejected under 35 USC § 103 as being unpatentable over Gajewski et al. in view of Frost et al..

#### **Applicants' Response:**

As discussed above, Gajewski et al. do not disclose each and every element recited in any of the rejected claims. Therefore, even if the person of ordinary skill in the art was motivated to combine Gajewski et al. and Frost et al., as indicated in the Office Action, the invention of claims 12-22 would not result. Therefore, the Office Action does not present a prima facie case of obviousness against claims 12-22. Accordingly, this § 103(a) rejection of claims 12-22 has been overcome and should be withdrawn.

It is also submitted that there are other limitations recited in the claims, in addition to those discussed above, which further distinguish the claimed invention patentably from the cited art and the other art of record. These additional distinguishing limitations will not be discussed

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because there is no need to do so at this time. Accordingly, it is submitted that the §102 and §103 rejections should be withdrawn and the case allowed.

**CONCLUSION**

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Allowance of claims 1-22 and 46-51 at an early date is solicited.

Respectfully submitted,

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Date

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